

REMARKS

Claims 1-7 are all the claims pending in the present application, new claim 7 having been added as indicated herein. In summary, the Examiner maintains the same rejections of claims 1-4 and 6 as set forth in the previous Office Action. The Examiner adds a new reference to support the rejection of claim 5. Specifically, claims 1-4 and 6 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Woo (US Patent No. 6,681,125) in view of Aoto (US Patent No. 6,615,055). Claim 5 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Woo in view of Aoto and further in view of Naoe (JP 02000124732).

§ 103(a) Rejections (Woo / Aoto) – Claims 1-4 and 6

The Examiner rejects claims 1-4 and 6 for the same reasons set forth in the previous Office Action.

In the *Response to Arguments* section of the Office Action on page 7, the Examiner alleges:

In response, Aoto teaches an antenna can be pulled out in any direction. Those skilled in the art thus will appreciate that Aoto's antenna can be pulled out in a direction approaching a back surface side of a first chassis and/or in a direction inclined by a specified angle from a vertical direction. Also see Aoto, column 1, lines 20-25, see "*is held*", column 6, lines 1-5, see "*pulled out...and held*", column 6, lines 20-22, see "*pulled out...is held at an inclination and angle...*", column 7, lines 5-11, see "*assuredly held...in the inclination position...after the antenna 1 is pulled out*" and they read on Applicants "*is held*" or "*be held*". In addition, Applicants' attention is directed to the rejection of claim 1 above.

Applicants previously argued, in response to the Examiner's arguments in this regard, that even if, *arguendo*, the antenna of Aoto can be pulled in any direction with respect to an inclination, it does not inherently, or necessarily, follow that the antenna will be pulled out in a

direction approaching a back surface side of a first chassis. Furthermore, there is no disclosure in Aoto that the antenna would be held.

The Examiner does not even respond to this particular argument. Accordingly, at least based on these arguments, Applicants maintain that the applied references, either alone or in combination, do not disclose or suggest the features set forth in claim 1.

Further, one exemplary object of the present claimed invention is the improvement of antenna gain at the time of data communication (web browsing). Both cited references Woo and Aoto fail to disclose this point (that is, neither of the cited references, Woo and Aoto, aim at the improvement of antenna gain).

Further, the exemplary embodiment as described in claim 1 is directed to a folding type portable radio communication terminal which includes a, “whip antenna having a first communication state which displays a reception signal in the display part and a second communication state which outputs the reception signal from the receiving part in a state where the first and second chassis are opened”, wherein “the whip antenna is, in the first and second communication states, pulled outside in a direction of approaching a back surface side of the first chassis and is held.” Due to such a constitution, an exemplary embodiment the present invention, as recited in claim 1, can produce an advantageous effect that the folding type portable radio communication terminal can maintain an antennal gain in a favorable state not only in the second communication state in which a user calls by placing his/her ear to the receiving part but also in the first communication sate in which the user browses the display part while holding the operation part. To the contrary, the inventions described in the cited documents Woo and Aoto are made on the premises of the call state which corresponds to the second communication state

of the present invention and there is no description with respect to the claimed “first communication state” of the present invention and hence, the acquisition of favorable antenna gain in the first and second communication states, which are two states different from each other is found in neither of these cited documents. Accordingly, even when these cited documents are combined, it would not have been obvious to those who are skilled in the art to arrive at the constitution that the whip antenna is pulled outside “in a direction of approaching a back surface side of the first chassis” and is held.

Further, Applicants maintain that one of ordinary skill in the art would not have been led to combine Aoto and Woo at least based on the reasons set forth in the paragraph bridging pages 2 and 3 of the Response dated October 7, 2005. Also, Applicants maintain that that the primary reference Woo teaches away from that which is disclosed in Aoto. *See first full paragraph on page 3 of October 7<sup>th</sup> Response.* The Examiner essentially maintains the arguments set forth in the previous Office Action in response to this argument. Accordingly, Applicants maintain our previous arguments.

Applicants submit that dependent claims 2-4 and 6 are patentable at least by virtue of their indirect or direct dependency from independent claim 1.

With respect to claim 3, the Examiner maintains that since Aoto’s antenna can be pulled in any direction with respect to any inclination, the teaching of Aoto inherently teaches the claimed invention as set forth in claim 3. In response, Applicants submit that the Examiner has yet again utilized impermissible hindsight reasoning, as nowhere does Aoto disclose or suggest that a tip of the whip antenna comes in contact with the back surface of the first chassis in the middle of an open operation of the first and second chassis. Yet further, nowhere does Aoto or

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. SERIAL NO.: 10/517,365

Atty. Docket No.: Q84976

Woo, either alone or in combination, disclose that the whip antenna is extended while the tip slides on a back surface of the first chassis.

At least based on the foregoing, Applicants submit that claims 1-4 and 6 are patentably distinguishable over Woo and Aoto, either alone or in combination.

§ 103(a) Rejections (Woo / Aoto / Naoe) - Claim 5

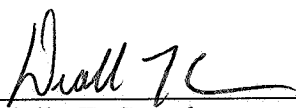
Applicants submit that claim 5 is patentable at least by virtue of its dependency from independent claim 1. Naoe does not make up for the deficiencies of the other applied references

Finally, Applicants add new claim 7 to provide a varying scope of coverage. Applicants submit that this new claim is patentable at least based on reasons similar to those set forth above with respect to independent claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Diallo T. Crenshaw  
Registration No. 52,778

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 19, 2006